

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-30072-MAP

JOSEPH ROSEMOND, )  
Plaintiff )  
 )  
v. )  
 )  
STOP AND SHOP SUPERMARKET )  
COMPANY, INC. )  
Defendant )  
\_\_\_\_\_ )

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO  
RESCHEDULE ORAL ARGUMENT ON DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, Joseph Rosemond, (the "Plaintiff"), through his counsel and hereby opposes the motion of the Defendant, Stop and Shop Supermarket Company ("Defendant") to reschedule the oral argument on Defendant's Motion for Summary Judgment. As the basis for this opposition, Plaintiff represents as follows:

1. The oral argument on Defendant's Motion for Summary Judgment was originally scheduled on September 23, 2005. Counsel for the Defendant was not available on September 23, 2005.
2. On August 22, 2005, Defendant filed an assented to motion to reschedule the oral argument to October 6, 2005 at 11:30 AM.
3. On August 23, 2005, this Court (Neiman, U.S.M.J.) allowed the assented to motion to reschedule and rescheduled the oral argument on Defendant's motion for summary judgment to October 6, 2005 at 11:30.
4. On September 30, 2005, counsel for the Defendant filed another motion to reschedule oral argument on its motion for summary judgment.
5. The basis for this motion was that in-house counsel for the Defendant, who has not filed an appearance in this matter, has meetings in Quincy and is unavailable to attend the rescheduled oral argument.

6. It is the understanding of counsel that Plaintiff has taken the day off on October 6, 2005 in order to attend the hearing.
7. Counsel for the Plaintiff is commencing a trial in U.S. District Court before Judge Ponsor on October 24, 2005 and has limited time available between October 6, 2005 and October 24, 2005 to reschedule this hearing.
8. Granting this motion will unnecessarily delay this matter.
9. Counsel for the Defendant and counsel for the Plaintiff are available to appear for oral argument on October 6, 2005 at 11:30.

WHEREFORE, the Plaintiff, Joseph Rosemond respectfully requests that the Defendant's motion to reschedule oral argument on Defendant's Motion for Summary Judgment be denied.

Respectfully submitted,  
The Plaintiff, Joseph Rosemond,  
By His Attorney,

/S/ Tani E. Sapirstein  
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Dated: October 3, 2005